

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

In Re: Joint Petition for Purchase and	:	
Sale of Assets by The Narragansett	:	
Electric Company and Southern	:	Docket No. D-06-13
Union Company	:	

MOTION TO INTERVENE OF W. MICHAEL SULLIVAN
DIRECTOR, R.I. DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Now here comes W. Michael Sullivan, in his capacity as Director of the Rhode Island Department of Environmental Management (“RIDEM”), and hereby moves to intervene in the above-captioned matter in accordance with Rule 17 of the Division of Public Utilities and Carriers’ Rules of Practice and Procedure. In support of his motion the Director states as follows:

1. As the duly appointed Director of RIDEM, W. Michael Sullivan is charged with the duty to “supervise and control the protection, development, planning and utilization of the natural resources of the state.” *R.I. Gen. Laws §42-17.1-2(a)*.
2. Pursuant to *R.I. Gen. Laws §§39-3-24, 39-3-25 and 39-3-26*, the Narragansett Electric Company, d/b/a National Grid (“Narragansett”), and Southern Union Company (“Southern Union”) filed a Joint Petition seeking the approval of the Division of Public Utilities and Carriers for Narragansett’s purchase of assets associated with the regulated gas distribution business owned and operated by Southern Union in Rhode Island (d/b/a New England Gas Company).
3. Southern Union and New England Gas Company have been identified by RIDEM as “Responsible Parties” in accordance with the *Rhode Island Industrial Property*

Remediation and Reuse Act, R.I. Gen. Laws §§23-19.14-3(a) and -6, for extensive soil contamination located in the Town of Tiverton, Rhode Island. Southern Union and New England Gas Company also have potential liability for this contamination under the United States Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund"), 42 U.S.C. § 9601, *et seq.*; the United States Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6901, *et seq.* and the common law of nuisance and strict liability.

4. The Director seeks to ensure that any sale of Rhode Island-based assets by Southern Union does not does not negatively impact its remedial responsibilities in Tiverton, or divest Southern Union of local resources that could be used to pay for necessary remedial actions. Failure to adequately consider Southern Union's remedial responsibilities to the State of Rhode Island and the residents of Tiverton would be inconsistent with the public interest in that it could result in significant financial consequences for the State, the Town and the impacted landowners.

WHEREFORE, for the reasons set forth herein, the Director of the Rhode Island Department of Environmental Management requests that the Division of Public Utilities and Carriers grant his Motion to Intervene in this proceeding.

Respectfully submitted,

RHODE ISLAND DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

W. Michael Sullivan, Director
235 Promenade St., 4th Floor
Providence, RI 02908
Tel. 222-2771
Fax. 222-6802

As approved by counsel:

Brian A. Wagner, Esq. (#4033)
Acting Executive Counsel
RIDEM – Office of Legal Services
235 Promenade St., 4th Floor
Providence, RI 02908
Tel. 222-6607
Fax. 222-3378

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of April a copy of the within Motion to Intervene of W. Michael Sullivan was forwarded to:

Paul J. Roberti, Assistant Attorney General
Office of the Attorney General
150 South Main Street
Providence, RI 02903

Steven Frias, Esq.
Executive Counsel
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Adrienne G. Southgate, Esq.
Deputy City Solicitor
Law Department
275 Westminster Street
Providence, RI 02903

W. Mark Russo, Esq.
Ferrucci Russo P.C.
49 Weybosset Street, 2nd Floor
Providence, RI 02903

Ronald T. Gerwatowski, Esq.
V.P. Distribution Regulatory Services
Narragansett Electric Co., d/b/a National Grid
280 Melrose Street
Westborough, MA 01582